

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:16-cv-00147-MR
[CRIMINAL CASE NO. 1:08-cr-00101-MR-1]**

FRANKIE LAMAR MOORE, JR.,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court *sua sponte*.

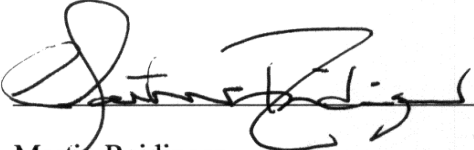
Upon review of the parties' motions, the Court hereby directs the parties to file supplemental briefs on the following issues: whether the Petitioner's arguments under United States v. Simmons, 649 F.3d 237 (4th Cir. 2011) (en banc) are procedurally defaulted; if such arguments are subject to default, whether the Government may waive such procedural default; and whether the Government may assert procedural default as to certain arguments but waive procedural default as to other arguments asserted with respect to the same claim.

IT IS, THEREFORE, ORDERED that no later than thirty (30) days from entry of this Order, the parties shall file supplemental briefs on the

aforementioned issues. Such briefing, which may be separate or joint, shall not exceed five (5) pages in length.

IT IS SO ORDERED.

Signed: November 14, 2017


Martin Reidinger
United States District Judge

